



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

L.M.D.
4/5/83

Applicant: Kevin W. Moore et al.)

Serial No.: 358,414)

Filed: 3/15/82)

For: HYBRID DNA PREPARED BINDING)
COMPOSITION)

Examiner: J. Martinelli

Art Unit: 172

Palo Alto, CA 94304
March 17, 1983

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By William M. Smith Date
William M. Smith, Reg. No. 30,223

3/17/83
Date of Signature

Commissioner of Patents and Trademarks
Washington, D.C. 20231

Sir:

In response to the official action dated February 17, 1983,
Applicants respectfully submit the following:

REMARKS

The Examiner has requested election and restriction between
Group I, namely Claims 1-19, and Group II, namely Claims 20-25.
Applicants respectfully traverse the requirement, but hereby
provisionally elect to prosecute Group II, reserving the right to
file a divisional application to protect the invention of Group I.

Applicants do not concur with the Examiner's rationale for
determining that two separate and distinct inventions exist.
While it may be that the compositions of Group II are not
specifically defined by the methods of Group I, such compositions
and methods are directed to the same general invention.

Claims 1-19 of Group I define methods for preparing a binding
polypeptide, such as that included in the composition defined in
Claims 20-25 of Group II. Other processes for preparing said
binding polypeptide might exist (although absent additional details
from the Examiner, applicants cannot be certain that "specific
modification of IgG molecules" is such an alternative), but this is not
conclusive as to whether or not the two claim groups cover
divergent subject matter. The line of distinction made by
the Examiner between the two claim groups is unwarranted,
and both groups should remain in the same application to preserve
unity of invention.